

ORIGINAL

IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

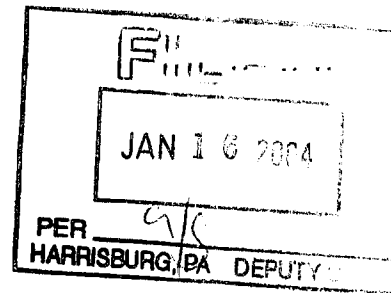
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James, Tyrone
- Plaintiff

CIVIL NO. 1:01-CV-1015
(Kane, J.) ✓
(Mannion, MJ)

-VS-

York County Police Department
Agent James H. Morgan,
Det. Richard Peddicord,
Det. Raymond E. Craul,
Sergeant Gene Fells,
Det. Kessler, Wesscwiski,
Westmoreland Sipe,
CO Baylark & the York
County Prison
- Defendants



MOTION TO COMPEL DISCOVERY

And now, this plaintiff, Tyrone P. James, this 31st day of December, 2003, does hereby moves this Honorable Court to enter & order pursuant to Fed. R. Civ. P. Rule 37(a). Compelling the defendants to answer request for production of documents & requests for interrogations, directed to them on/or around November 2001 & October 2003.

In support of this motion, plaintiff avers the following:

- (1) On/around November 2001, plaintiff served defendants with request for production & first set of interrogations. Defendant filed "Motion for Protective Order", until their "Motion for Dismiss" was considered by the District Judge.
- (2) On October 12th, 2003, the Honorable Judge granted, in part & denied in part, the

defendant's "Motion to Dismiss".

- (3) Plaintiff renewed his request for production of documents & first set of interrogations on defendants on/around November 2003.
- (4) State defendant submitted "nine (9) attachments to the Superintendent Assistance Mrs. Rackavon" for plaintiff to inspect & copy at SCI-Rockview; which was inadequate & incomplete, as to plaintiff's request.
- (5) Plaintiff sent defendant's attorney a letter requesting additional documents.
- (6) State defendants served answers to plaintiff's request for first set of interrogations to plaintiff; which was over thirty (30) days & inadequate & incomplete.
- (7) Plaintiff sent a second letter to defendant's attorneys' requesting the complete documents & answers required in specific.
- (8) On/around November 2001, defendant's served plaintiff with second sets of production, unrelated to the time or interval between defendants Morgan & Sipe's investigation & time of arrest; that lead to the use of excessive force against the plaintiff.
- (9) State defendant Sipes has yet to answer any request for production of documents & plaintiff's first set of interrogations. It has been over thirty (30) days since the request has been made, pursuant to Rule Fed. R. Civ. P. Rule 33 & 34, which is overdue.
- (10) Defendant Baylark has not complied with any of the plaintiff's requests for production of documents; defendant is overdue &/or outstanding.
- (11) State defendant answers & documents produced are incomplete, inadequate & improper objections.
- (12) The documents requested constitute & contain matters within the scope of Fed. R.

Civ. P. 26-37, inclusive; which are also in the possession, custody & control of the defendant's; specifically defendant Craul's reports, defendant Sipe's report, defendants Westmoreland's report & defendant Morgan's report; acknowledging receipt of package, shipped from California.

(13) Plaintiff does not control the information required to produce the documents; specifically the UPS receipt label of specific package of defendant Morgan's claim that his supervisor received on January 11th, 2001.

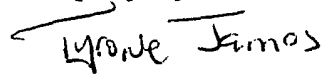
(14) This information is necessary to finish the preparation for a jury trial in this matter, plaintiff is without the necessary exhibit(s) to be presented to this Honorable Court; exhibit(s)

will be forwarded as soon as it/they become available.

(15) Plaintiff is still at the York County Prison awaiting to be transferred back to SCI-Rockview.

Wherefore, plaintiff respectfully requests that this Court enter an order compelling defendants to respond fully to plaintiff's outstanding interrogations & to produce all requested documents within ten (10) days of the date of said order, under penalty of further sanctions pursuant to Fed. R. Civ. P. 37(a).

Respectfully Submitted:


Tyrone James

IN THE UNITED STATE DISTRICT COURT
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- Plaintiff

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- Defendants

CERTIFICATE OF SERVICE

I, Tyrone P. James, hereby certify that on this 31st day of December, 2003, I served true & correct, to the best of of my knowledge, copies of the foregoing Motion to Compel Discovery" & proposed order by the United States First Class Mail, postage pre-paid, on counsel for defendants.

(1) Jason C. Giurintano
Deputy Attorney General
Office of the Attonrey General
Civil Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

(2) Donald Reihart, esq.
3015 Eastern Blvd.
York, PA 17402

I certify that these documents was given to the prison officials on this 31st day of December, 2003, for forwarding to the addresses listed above. I certify under penalty of perjury that the foregoing petitions & statements are true & correct to the best of my beliefs, pursuant to 28 USC 1746.

Respectfully Submitted:

Tyrone James

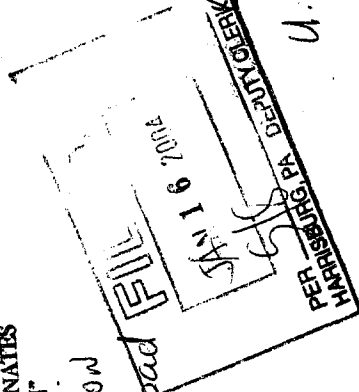
**Tyrone P. James # 62154
3400 Concord Road
York, PA 17402-9007**

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"THIS CORRESPONDENCE ORIGINATES
FROM AN INMATE INSTITUTION"

York County Prison

3400 Concord Road

York, PA 17402



U.S. District Court

228 WALNUT STREET

P.O. BOX 983

Harrisburg, PA 17108.

Legal Mail!

